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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,506	03/20/2001	Mitsuharu Nakamura	040894-5647	8902

9629 7590 02/11/2003

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WASHINGTON, DC 20004

EXAMINER

NGUYEN, SON V

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/811,506

Applicant(s)  
Nakamura et al.

Examiner  
Son Nguyen

Art Unit  
2839



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 18, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, and 4-7 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 14, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2839

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-2 and 4 are objected to because of the following informalities:

In claim 1, line 3, it is unclear whether applicants intend “an end of an opening” to be the same as “an opened end” in line 2.

The claims 2 and 4 have the defects of claim 1. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-6 are rejected under 35 U.S.C. 112, first paragraph, as containing a new subject matter which was not supported in the original specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The added subject matter of “said packing having a greater cross-sectional *diameter* along a plane than a cross-sectional *diameter* of the connector along said plane” recites in the claim 5, which were not described and supported in the original specification. Claim 6 has the defects of claim 5.

Art Unit: 2839

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al. (US 5,626,489) and Hill (US 5,547,388).

Marshall et al. discloses a dustproof cover assembly [figures 4-5] comprising:

- a cap-shape cover [16] having an open end and a closed end;
- a packing protecting portion [see attachment] extending from an end of an opening of a peripheral wall of the cover in a continual longitudinal direction, and inner surface of the cover includes a lip [see attachment] separating the packing protecting portion from the closed end of the cover;
- the cover is fitted to a connector [12, 14] so as to cover a front end fitting surface of the connector and the packing protecting portion covers a packing [see attachment] exposed around an outer peripheral portion of the connector;
- an inner peripheral surface of the packing protecting portion is formed in such a manner as to be brought into contact with the packing [figure 3]; and

Art Unit: 2839

- as best understood by examiner, Marshall et al. further discloses the connector extending in a direction away from the packing, and the packing having a greater sectional dimension (a, see attachment) along a plane (a plane is perpendicular to the insertion of the connector into the cover) than a cross sectional dimension of the connector along the plane [b].

Marshall et al. discloses the instant claimed invention as described above except for the cover has a hole, latching mechanisms, and the connector has a plurality of electrical contacts with conductors connected thereto.

Hill discloses a dustproof cover assembly [figures 1-6] comprising a cover [10, figures 1-3] having a hole [not label] and an engaging projection [20] for engaging with a lock arm [40] formed on a multi-pin electrical connector [34] which has a plurality of electrical contacts with conductors connected thereto [figures 4-6].

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the cover assembly of Marshall et al. to provide the latching mechanism, the hole and the connector with contact type as taught by Hill for the purpose of facilitate operating the latching mechanism, retaining the cover to the connector and interconnecting the connector to a wiring harnesses, respectively.

### ***Response to Arguments***

6. Applicant's arguments filed 11/18/02 have been fully considered but they are not persuasive.

Art Unit: 2839

Applicants argue that: 1) neither Marshall et al. nor Hill teach or suggest at least “a lip separating the packing protecting portion from the closed end of the cover,” or a “packing having a greater cross-sectional diameter along a plane than a cross-sectional diameter of the connector along said plane” as recited in newly amended independent claims 1 and 5. Examiner respectfully disagrees. Marshall et al. discloses a lip [see attachment] separating the packing protecting portion from the closed end of the cover, and a packing having a greater cross-sectional dimension (a) along a plane than a cross-sectional dimension (b) of the connector along said plane. Therefore, Marshall et al. discloses all limitations that applicants recite in the claims 1 and 5. The term “diameter” is considered as a “dimension” because the “diameter” is a new matter and it is not described and supported in the original specification. 2) the suggestion or motivation is not provided by either Marshall et al. or Hill, or by knowledge generally available to one of ordinary skill in the art. Examiner respectfully disagrees. The motivation is described in the rejection above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2839

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son Nguyen whose telephone number is (703) 308-8745.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reach on (703) 308-3119. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.



Son Nguyen

February 5, 2003



LYNN FIELD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

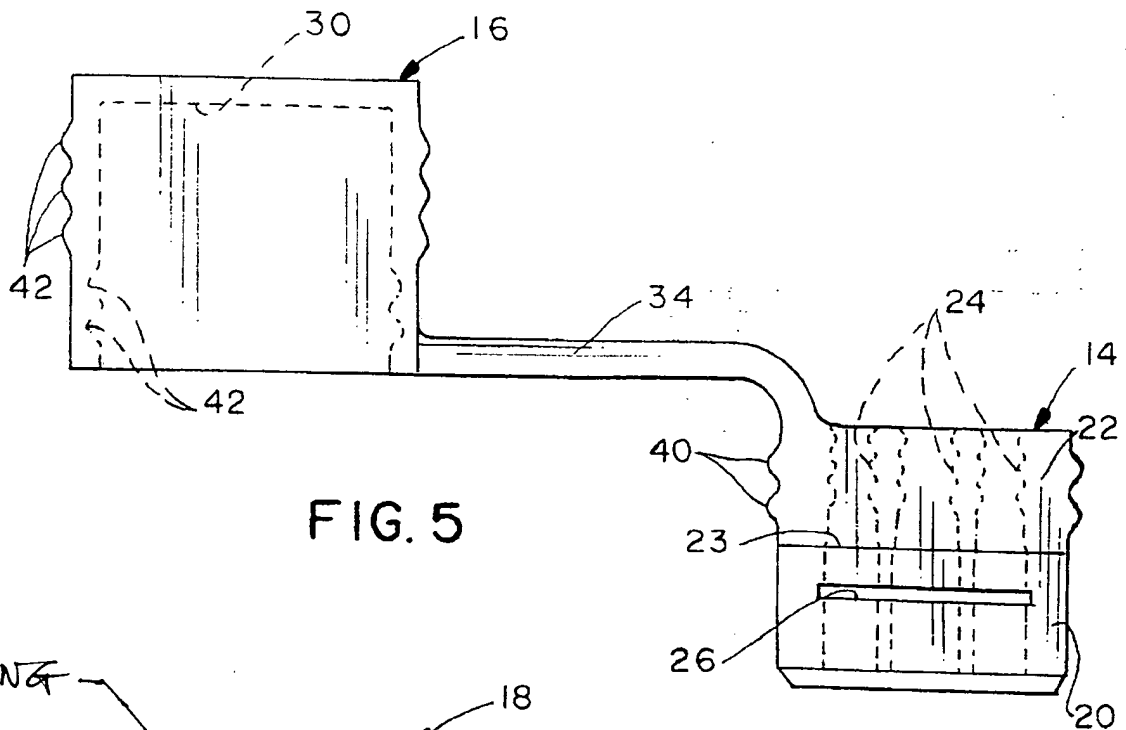


FIG. 5

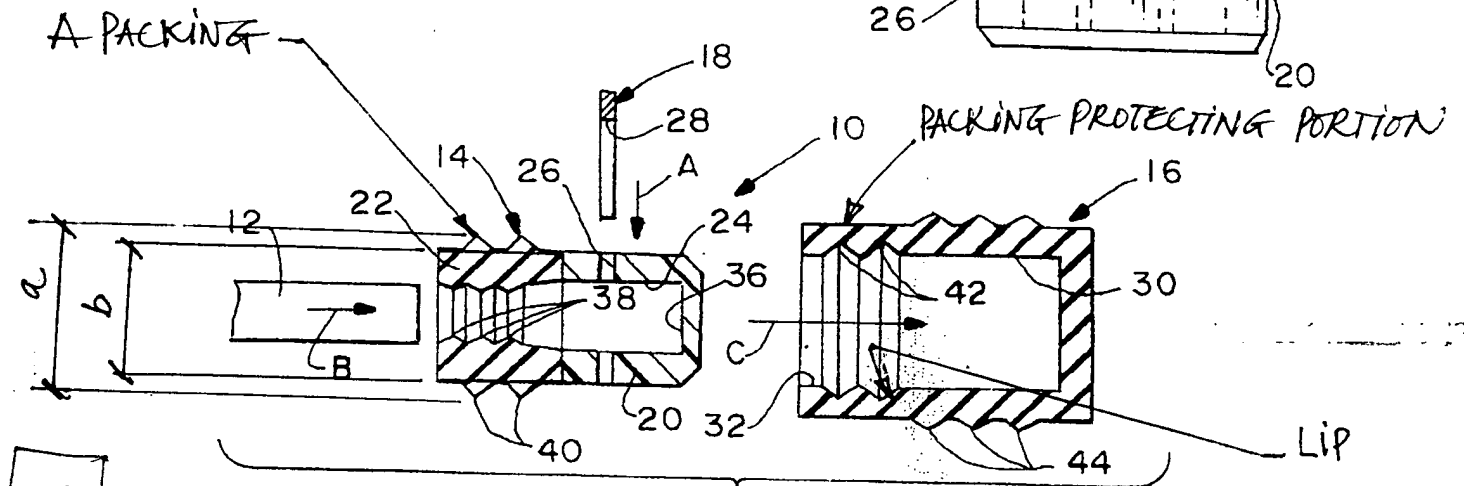


FIG. 4

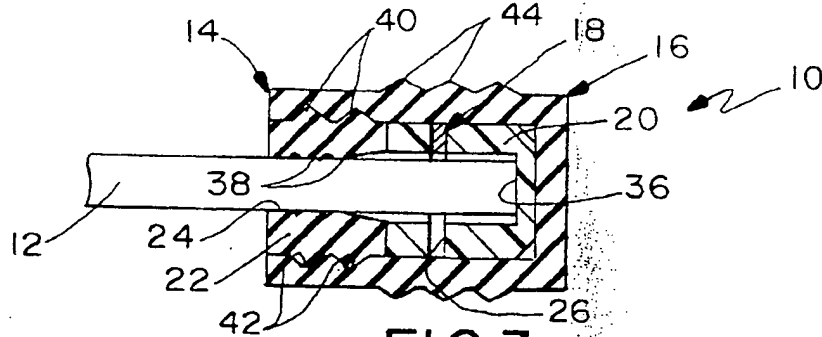


FIG. 3

ATTACHMENT